

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

_____ /

ORDER IN ANTICIPATION OF JUNE 2024 HEARINGS

THIS CAUSE comes before the Court in anticipation of the hearings scheduled for June 21 and 24–26, 2024 [ECF No. 530]. In light of the Special Counsel’s recently filed Motion for Modification of Conditions of Release [ECF No. 592], and to afford adequate time for party and *amici* argument on Defendant Trump’s Motion to Dismiss Indictment Based on the Unlawful Appointment and Funding of Special Counsel Jack Smith [ECF No. 326; *see* ECF No. 604], the Court hereby adjusts the Motions to be heard at the June session as follows:

1. On **June 21, 2024**, as previously scheduled, the Court will hear argument starting at 9:30 a.m. on the Appointments Clause challenge for the duration of the day. The Court anticipates starting with argument from counsel for the parties; proceeding to hear argument from *amici* and rebuttal from the parties as necessary; and then accommodating any presentation of evidence, if deemed necessary by the Court,

following review of the supplemental briefs on the need for further factual development [ECF No. 588].

2. By appropriate Notice filed no later than **June 10, 2024**, Defendant Nauta shall clarify whether he adopts or joins in Defendant Trump's Motion to Dismiss Indictment Based on the Unlawful Appointment and Funding of Special Counsel Jack Smith [ECF No. 326; *see* ECF No. 331 (Defendant De Oliveira Notice of Adoption)].
3. On **June 24, 2024**, the Court will hear argument as follows:
 - a. **10:00 a.m.** – Appropriations Clause challenge as raised in Defendant Trump's Motion to Dismiss the Indictment Based on the Unlawful Appointment and Funding of Special Counsel Jack Smith [ECF No. 326].
 - b. **3:00 p.m.** – Special Counsel's Motion for Modification of Conditions of Release [ECF No. 592].
4. On **June 25, 2024**, the Court will hear argument on Defendant Trump's Motion for Relief Related to Mar-A-Lago Raid and Unlawful Piercing of Attorney-Client Privilege [ECF No. 566]. Argument will focus primarily on the privilege / work product issues raised in the Motion, to be heard in sealed session for purposes of protecting potentially privileged information and grand jury material. At the conclusion of that session, the Court will hear argument in open court (with appropriate redactions) on Defendant Trump's arguments with respect to (a) his entitlement to a *Franks* hearing; (b) the particularity of the warrant under the Fourth Amendment; and (c) the good-faith exception to the exclusionary rule. Should a need arise for an evidentiary hearing on any of the foregoing topics, the Court will schedule such a hearing in due course.

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5. On or before **June 10, 2024**, the parties shall promptly confer and file a status report on what additional material, if any, from the crime-fraud proceeding in the U.S. District Court for the District of Columbia is pertinent to the Court's studied resolution of the privilege and work-product issues raised in Defendant Trump's Motion for Relief Related to Mar-A-Lago Raid and Unlawful Piercing of Attorney-Client Privilege [ECF No. 566]. *See* D.D.C. 22-gj-10. This status report may be filed under seal if necessary to protect potentially privileged and/or grand jury material, and it should clearly indicate the parties to that proceeding and the status of any pending transfer petitions in that proceeding.
6. In light of the scheduling adjustments above, the Court hereby cancels the partial evidentiary, multi-day hearing on Defendants' Motions to Compel [ECF No. 469] previously scheduled for June 24–26, 2024, to be reset by subsequent Order.
7. Defendants are not required to appear at the June 2024 hearings.

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 5th day of June 2024.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', is written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record